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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 3348 of 2007

Petitioner	Ashok Kumar Sahu S/o Jagannath Sahu, aged about 31 years, R/o Pendra, Tahsil-Pendra Road, District Bilaspur C.G.
	Versus
Respondent	State of C.G., (Forest Department) Through the Collector Bilaspur, C.G.

(Writ Petition under Article 227 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present:	Shri Rakesh Pandey, counsel for the petitioner. Shri Yashwant Singh Thakur, Govt. Adv. for the respondent.

ORAL ORDER
(Passed on 19th June, 2007)

This petition filed under Article 227 of the Constitution of India impugns legality and validity of the order dated 27.12.2006 (Annexure P-1) passed by the 8th Additional District and Sessions Judge, (F.T.C.), Bilaspur in Criminal Revision No.144 of 2005 whereby the revision was rejected.

(2) The undisputed facts in nutshell are that the motor cycle Hero Honda CD Dawn bearing registration No. CG-10-BA-7062 was involved in theft of forest wood committed in the intervening night of 24-07-2004/ 25-07-2004. The said vehicle was seized by the flying squad of the Forest Department and the case was registered under the provisions of the Forest Act. The Divisional Forest Officer, Pendra Road, in case No.816 of 2004 directed confiscation of the said vehicle by order dated 15.02.2005 (Annexure P-4).

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(3) Being aggrieved, the petitioner preferred an appeal before the Conservator of Forest, Bilaspur. The Conservator of Forest, Bilaspur dismissed the appeal by order dated 29.07.2005 (Annexure P-5).

(4) Being aggrieved, criminal revision was filed before the 8th Additional District and Sessions Judge, Bilaspur after having considered all the facts of the case and the orders passed by the Court below, dismissed the revision by the impugned order dated 27.12.2006.

(5) Learned counsel, for the first time, took up the plea that after the compromise dated 25.07.2004 the Forest authorities ought not to have proceeded against the petitioner for confiscation of the said vehicle. The petitioner had not taken this plea before any authority or before the learned Judge wherein the revision was pending for consideration and as such, this plea cannot be permitted to be raised at this stage. In a petition filed under Article 227 of the Constitution, the petitioner has not established as to whether any compromise, any decision with regard to confiscation of the said vehicle was taken or not. The impugned judgment and order is just and proper and does not warrant any interference by this Court.

(6) It is well settled principle of law that under Article 227 of the Constitution of India, this Court has jurisdiction of judicial review of the order passed by the Court below, in the event, there is manifest

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and apparent error on the face of the proceedings based on the clear ignorance or utter disregard to the provisions of law or there is grave failure of justice or grave injustice has occasioned thereby. Further, this Court can also entertain the petition in its supervisory jurisdiction if there is perversity, irregularity or illegality in the process of decision, not in the decision itself.

(7) As a result and for the reasons aforestated, this petition is dismissed.

Sd/-
Satish K. Agnihotri
Judge

Karuna